

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 2<sup>ND</sup> MARCH 2022**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 2<sup>ND</sup> MARCH, 2022

**Application Ref:** 21/0962/FUL

**Proposal:** Full: Change of use of a domestic annexe to tourist accommodation (1 Bedroom).

**At:** Height Top Smithy, Stump Hall Road, Higham

**On behalf of:** Mr Mathew Stath

**Date Registered:** 20/12/2021

**Expiry Date:** 14/02/2022

**Case Officer:** Alex Cameron

This application has been brought before Committee as more than two objections have been received.

### **Site Description and Proposal**

The application site comprises of a stone built, two storey detached dwellinghouse. The site is located outside of a defined settlement boundary, within the Open Countryside and the Green Belt. The dwelling is surrounded by similar detached properties to the north and west, with open fields to the south and east.

The proposed development is the conversion of an attached two storey annexe to one bedroom tourist accommodation.

### **Relevant Planning History**

13/06/0254P - Full: Extension over garage. Approved

19/0065/FUL - Full: Demolition of sunroom, convert garage to self contained unit, alteration to roof and openings. Approved

19/0832/NMA - Non-Material Amendment: Amend Planning Permission 19/0065/FUL to alter front window into French Doors with Juliette balcony. Approved

### **Consultee Response**

LCC Highways – Please would you ask the applicant to provide a properly scaled drawing showing parking and manoeuvring for both the main dwelling (3 spaces) and the annexe (1 space)? As there's no capacity for on-road parking on Stump Hall Road all parking and manoeuvring needs to take place within the site. The Proposed Site Layout Plan (1710/SK/02 Rev A) approved under planning permission 19/0065/FUL showed parking for 4 vehicles with adequate internal manoeuvring space to allow vehicles to enter and leave Stump Hall Road in forward gear.

If the applicant intends to provide 2 spaces for the annexe then 5 spaces would need to be provided overall and the manoeuvring area kept free from any obstructions.

### **Public Response**

Site notice posted and neighbours notified – Objections received raising the following concerns:

- The proposal would negatively impact on impact on Height Top Farm Holiday Cottages.
- The use is already operating.
- Unacceptable noise impacts.
- Littering by residents.
- Visual impact of the design and materials. The work has not adhered to the original permission for the extension.
- Raising of the patio and resulting privacy impact.
- Inadequate livestock fencing.
- Concerns about the siting and installation of the oil storage tank.
- The existing septic tank is inadequate to serve the proposed use.
- Highway safety concerns in relation to guests reversing out of the site.
- Need for additional tourist accommodation.
- Concerns about bin storage.

## **Officer Comments**

### **Policy**

#### **National Planning Policy Framework**

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

#### **Adopted Core Strategy**

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. It states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy WRK5 (Tourism, Leisure and Culture) States that proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

### Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Policy 40 (Tourism) Supports proposals for tourism development in villages or rural areas provided that proposals are of an appropriate scale and re-use an existing building of traditional construction. Or, will redevelop within the footprint of an existing building in the open countryside without the need for large scale extension and assist rural regeneration in a location where the environment and the transport and utility infrastructure can accommodate the visitor impact.

### **Principle of the Development**

Policy 40 of the RPLP allows for the conversion of existing buildings in rural area to tourist accommodation use, the use for tourist accommodation would not result in a significant increase in car use over the authorised use as an annexe.

The Core Strategy stresses the importance of tourism to Pendle's rural economy, particularly in relation to the AONB, which this site is within close proximity of, and the need to support tourism with a positive approach. Taking into account the small scale of the proposal it is not necessary for a specific need for this accommodation to be demonstrated.

Whilst concerns have been raised in relation to need and competition with other tourist accommodation nearby, increase competition for established businesses nearby is not a material consideration in determining a planning application.

The use would not impact upon the openness of the Green Belt.

The proposed development is therefore acceptable in principle in accordance with policies 40 and WRK5.

### **Design and Visual Amenity**

There have been concerns raised that the external alterations under the previous permission to form the annexe not having been carried out in accordance with the previous planning permission. Specifically, the pitched roof has not been implemented, the windows are different, and a patio door has been installed in place of a window in the east elevation and the walls of the single storey

element have been rendered. Concerns have also be raised over the visual impact of boundary fences.

There is no requirement to implement all elements of a planning permission, such as the approved pitched roof. Furthermore, permitted development rights allow for alterations to windows and installation of openings such as patio doors, rendering and the erection of fences / walls within height limits that the boundary fences do not appear to exceed, without the need to apply for permission.

The proposed use raises no unacceptable design or visual amenity impacts in accordance with policies ENV1, ENV2 and WRK5.

### **Residential Amenity**

The proposed tourist accommodation would have no windows facing adjacent properties.

Concerns have been raised regarding a raised patio to the rear of the property. That is not within the application site of this proposal and does not form part of the application.

Concerns have been raised regarding noise, the noise impacts of tourist accommodation are no different to any other dwelling, as with any other dwelling anti-social behaviour including excessive noise falls under the control of other legislation, planning guidance is clear that such controls should not be duplicated by the planning process.

The proposed development would raise no unacceptable residential amenity issues in accordance with policy ENV2.

### **Highways**

A revised car parking layout plan showing 1 space for the holiday accommodation and 3 for the house with adequate area to turn and exist in forward gear has been submitted and is acceptable.

The proposed development is acceptable in terms of highway safety in accordance with policies ENV4 and 31.

### **Other issues**

Concerns have been raised regarding bins overflowing and littering. There is adequate space for bin storage within the site, planning cannot reasonably control how bins are filled and other littering issues.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – received 20/12/2021, Proposed Site Layout Plan received 16/02/2022, Proposed Plan and Elevations.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. The tourist accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the tourist accommodation and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

**Reason:** In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

4. The parking provision shown on the parking layout plan received 16/02/2022 shall at all times be maintained free from obstruction and available for parking a minimum of four vehicles with provision for them to turn and exit in forward gear.

**Reason:** In order to ensure satisfactory levels of parking and adequate turning provision are maintained in the interest of highway safety.

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